The Board of Trustees of the Nebraska State Colleges is committed to providing an environment in which all students who participate in College programs and activities can work together in an atmosphere free from unlawful discrimination, harassment, or violence. Sexual violence and sex harassment are prohibited by law and by Board policy and the Colleges will not tolerate sexual violence or sex harassment in any form, including, but not limited to, sexual assault; stalking; dating violence; domestic violence; acquaintance, date or stranger rape; non-consensual sexual intercourse; sexual cyber harassment or sexual bullying. The Colleges will take appropriate action to prevent, correct, and discipline harassing or violent behavior that is found to violate Board policies and principles of equal opportunity and access.
Dating Violence:

Dating violence is violence (violence includes, but is not limited to sexual or physical abuse or the threat of such abuse) committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, (iii) the frequency of interaction between the persons involved in the relationship. Dating violence can occur when one person purposely hurts or scares someone they are dating. Dating violence can be physical, emotional, and/or sexual abuse.
Domestic Violence:

Domestic violence shall mean felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws.
Domestic Violence:

Domestic violence includes patterns of abusive behavior in relationships used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, blames, hurts, injures, or wounds someone.

Under Neb. Rev. Stat. §28-323, domestic assault occurs when a person (a) intentionally and knowingly causes bodily injury to his or her intimate partner, (b) threatens an intimate partner with imminent bodily injury; or, (c) threatens an intimate partner in a menacing manner. Intimate partner means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship.
Sexual Assault:

Sexual assault shall mean an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual assault is contact or sexual penetration that occurs without the consent of the recipient.
Sexual Assault:

Sexual contact means the intentional touching of a person’s intimate parts or the intentional touching of a person’s clothing covering the immediate area of the person’s intimate parts. Sexual contact also includes when a person is forced to touch another person’s intimate parts or the clothing covering the immediate area of the person’s intimate parts. Sexual contact shall include only such contact which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party.
Sexual Assault:

Sexual penetration means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse or any intrusion of any part of the person’s body or of a manipulated object into the genital or anal openings of another person.
Sex Harassment:

Sex harassment is unwelcome conduct of a sexual nature. Sex harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature. Federal law (specifically, Title IX) prohibits student-on-student discrimination, including hostile environment sex harassment and hostile environment gender harassment. (Gender harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.) Harassment does not have to include an intent to harm, be directed at a specific target, or involve repeated incidents. (For instance, as detailed below, a single instance of unwelcome physical contact of a sexual nature could constitute unlawful sex or gender harassment.) Sex and/or gender harassment creates a hostile environment for the student-victim when it is so severe, pervasive, or persistent that it interferes with or limits the victim-student’s ability to participate in or benefit from the Colleges’ services, activities, or opportunities because of his or her sex or gender. Sex Harassment includes Dating Violence, Domestic Violence, and Stalking as defined in this policy.
Sexual Violence:

Any intentional act of sexual contact (touching or penetration) that is accomplished toward another without his/her consent. Such acts may include, but are not limited to, forced oral sex, forced anal penetration, insertion of foreign objects into the body and any act of sexual intercourse "against someone's will." This includes, but is not limited to, the use of a weapon, physical violence or restraint, verbal threats, intimidation, and threats of retaliation or harm. Sexual Violence includes Sexual Assault as defined in this policy.
Consent:

Positive cooperation in the act or expressing intent to engage in the act. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A person who is giving consent cannot be incapacitated by drugs or alcohol, unconscious, passed out, coming in and out of consciousness, under the threat of violence, injury or other forms of coercion, and cannot have a disorder, illness, or disability that would impair his/her understanding of the act or his/her ability to make decisions. A person who is giving consent cannot be forced, coerced or deceived into providing consent.
Consent:

A person may express a lack of consent through words or conduct. A person need only resist, either verbally or physically, so as to make the person’s refusal to consent genuine and real and so as to reasonably make known to the actor the person’s refusal to consent. A person need not resist verbally or physically where it would be useless or futile to do so.
Consent:

The presence or absence of consent is based on the totality of circumstances, including the context in which an alleged incident occurred. The fact that a student was under the influence of drugs/alcohol may be considered in determining whether that person had consented to the act in question. Consent may not be inferred from silence or passivity alone.
Reporting:

Reports can be filed by the alleged victim or a third party who is aware of allegations of sexual violence or sex harassment, including other students or College employees. Reports should be filed with one of the designated College administrators and/or employees responsible for student services, as follows:

- President
- Vice Presidents
- Deans
- College Title IX Coordinator
- Dean of Students
- Housing/Residence Life Staff to include:
  - Directors
  - Managers
  - Assistant Directors
  - Senior Residence Hall Advisors
  - Residence Hall Advisors
  - Coaches and Assistant Coaches
  - Campus Security Officers
Reporting:

Reports to designated administrators or employees will constitute “notice” to the College for the purposes of considering an investigation and institutional response in conjunction with the Title IX Coordinator.

College employees (even medical or mental health professionals identified below) are required by law to report any allegations of sexual abuse or assault of a minor to either law enforcement or the Department of Health and Human Services.
Exception Regarding Employee Reporting:

The law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional. Medical or mental health professionals employed by the Colleges (Licensed Student Counselors and Nurses) respect and protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. Employees may have to breach a confidence, however, when they perceive an immediate and serious threat to any person or property.
Confidentiality:

The College appreciates the privacy concerns inherent in allegations of sexual violence or sex harassment. To protect students’ privacy rights, the names of students or other identifying information, especially that which is contained in written documents and notes, will only be disclosed to third parties if (a) prior written permission is given by the student concerned, (b) the disclosure is necessary to conduct an investigation, (c) the disclosure is necessary to pursue disciplinary action or (d) the disclosure is otherwise required by law.

Victims will be informed that the College has a legal duty to include information about reports of criminal sexual misconduct in annual security report statistics which do not identify either the person claiming to have been subject to criminal sexual misconduct or the alleged perpetrator.
Confidentiality:

If an alleged victim is under the age of eighteen (18) years, the College will obtain consent from the parents or guardians prior to beginning an investigation or disclosing information, unless otherwise required by law.

If the alleged victim requests confidentiality, asks that the report not be pursued, or declines to participate in an investigation or disciplinary proceeding, the College will document the request. The College will take reasonable steps to investigate and respond to reports consistent with such a request, if possible. Requests will be evaluated and weighed against the College’s responsibility to provide a safe and nondiscriminatory environment.
Disciplinary Processes and Consequences:

Processes and procedures described in Board Policies 3100 and 3200 may be used subsequent to a sexual violence or sex harassment investigation to address cases of student misconduct, due process and discipline. If the alleged perpetrator is an employee, other Board Policies or Collective Bargaining Agreements will determine the due process steps and disciplinary consequences.

Disciplinary consequences may include, but are not limited to: warnings, disciplinary probation, loss of privileges, restitution, remedial work assignments, remedial educational requirements, service requirements, remedial behavioral requirements, College housing relocation, College housing suspension, removal from College housing, suspension, and expulsion.
Law Enforcement:

Alleged victims should be advised that physical evidence can be collected at the same time as medical care is provided, but that medical evidence for a criminal prosecution cannot be collected without a report being made to local law enforcement. It is important that students make an informed decision regarding important physical evidence that can be preserved.
Law Enforcement:

While students are not required to notify law enforcement authorities regarding a report of sexual violence or sex harassment, reports still need to be filed with Campus Security to inform them that an act of violence may have occurred. Campus Security shall notify the Title IX Coordinator, who is responsible for coordinating the College response to the reports of sexual violence and sex harassment. Pursuant to federal law, the College has a legal responsibility for documenting and reporting an incidence of sexual violence and sex harassment. Regardless of whether or not the law enforcement authorities choose to prosecute a reported offense, the College can pursue formal disciplinary action against a student or employee alleged to have committed sexual violence or sex harassment.
Chadron State College’s Plan to Reduce and Eliminate Sexual Assault, Sex Harassment, and Domestic Violence

**Point 1:** Crack down on offenders  
**Point 2:** Increase support for survivors  
**Point 3:** Improve prevention and education  
**Point 4:** Improve communication  
**Point 5:** Listen and report back: 100%
Point 1: Crack down on offenders

- Encourage and assist survivors reporting to Law Enforcement.
- Strengthen collaboration with Chadron Police Department.
- Hold all offenders responsible for their actions.
- Sanction offenders found responsible for policy violations.
- Expel or block return for offenders in the most severe cases.
- Implement changes to NSCS Board Policy 3020
Point 2: Increase support for survivors

• Encourage and assist survivors reporting to Law Enforcement.
• Provide immediate counseling support for individuals involved.
• Provide appropriate accommodations for involved individuals to stay on track academically.
• Expand long-term support services.
Point 3: Improve prevention and education

• Conduct in-person training, workshops, and dialogues. Initial and recurring training for the entire campus community.
• Implement regular campus safety walks to improve lighting and other conditions.
• Implement a By-stander Intervention Program.
• Invite Faculty to include Title IX topics and education in the curriculum where appropriate.
Point 4: Improve communication

• Make resource and support information easier to find.
• Improve information on key web pages.
• Improve language of our Timely Warning emails.
Point 5: Listen and report back: 100%

- Form a campus advisory group to meet regularly with the president and senior staff.
- Use campus advisory group to identify and adopt best practices that have student support.
- Use the president’s website to provide updates on this plan.